

From: David W. Murray
To: Microsoft ATR
Date: 12/27/01 6:31pm
Subject: Microsoft Monopoly Penalty

Dear Sir/Madam,

I was astounded to see the proposed penalties to Microsoft Corp., which has been found guilty of maintaining an illegal monopoly, which amount to no penalty at all, or a slap on the wrist. To allow Microsoft to flood the education market, one of the few markets in which they do not hold monopoly position, with their software is not a penalty but a boon.

If I am convicted of speeding, I must pay the full fine in cash. I am not permitted to pay to a third party in the form of a product which will be considered at full retail cost, despite the fact that it costs me but a few percent of that figure to produce. Nor am I permitted to pay my penalty in such a way that it enhances and increases my business, as that would turn my penalty into a simple business investment.

A penalty for a crime must punish past behavior, and prevent such behavior in the future. The proposed penalties do neither. Microsoft has been so contemptuous of the power of the Justice Department to control it that, far from treading lightly during the protracted proceedings, it has continued to act to extend its monopoly. In the internet arena, which seems to be the next target, Microsoft has repeatedly modified open access tools, such as Java, for no other purpose except to prevent access, except through use of the Microsoft tool. One encounters more and more sites which can be accessed only with Microsoft software, for example.

The Republican party, of which I am a member, has stood accused of being owned by various large industries. It is time to put that lie to rest, if lie it is, and to consider this case on its demonstrated facts.

Sincerely,
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